IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1149 OF 2004

The State of Maharashtra ..Appellant

V/s.

Rajanish Baburam Sharma & Ors. ..Respondents

Mr.D.R.More APP for the Appellant/State.

Coram : R.S.Mohite,J

Date :10th January, 2006.

PC

1. This is an appeal filed by the State impugning a judgment and order passed by the JMFC, Vashi on 2.7.2004 acquitting the accused of offences punishable under sections 498-A, 323, 506, 406 r/w 34 of IPC. On perusal of the impugned judgment and order, I find that the acquittal is based on cogent and acceptable reasons. The main evidence was of the Complainant (PW 1) Sau.Sudha Sharma. Sudha was a practising Advocate and thus a literate lady with knowledge of the law. The prosecution case was that Sudha got married with accused no.1 Rajnish Sharma on 28.6.1999. That at the time of marriage cash of Rs.5 lakhs and gold ornaments of Rs.2 lakhs were given to the accused. When she was co-habiting, accused used to taunt her and insult her on the

ground of inadequate presents given by her father. That her mother-in-law used to drag her by catching her hair. Her husband used to insult her and used to tell her that he wanted a car which was not provided inspite of financial capacity of her father. On several occasions, she was forced to consume liquor. She left from her paternal house in March-2000 and returned in April-2000 when her husband telephoned her. In August-2000 her husband made a call to one of her relative and informed him that unless amount is paid, he would not look after to the complainant. This demand was for Rs.10,00,000/-. In November-2000 she started residing in a hostel but her husband used to visit her, insult her and abuse her. She ultimately went to the police station and lodged a report on 9.1.2001. The evidence of this witness has been dis-carded by the trial Court on the ground that the same is vague. In so far as demand of Rs.10,00,000/- is concerned, she had not stated as to for what purpose the amount has been demanded. As regards being beaten by the husband under influence of liquor, PW-1 admitted that she had issued the letters to the husband stating that the women are free to enjoy their lives. She has also admitted that at some occasions, she used to consume the liquor and smoke though it was not a habit. As regards cigaratte burns given to her by accused

no.1, there was no complaint made by her to the police and no burn injuries were medically found on her body. The other allegations relating to beating were also vague. It is mentioned in the judgment that she had filed a petition in the family Court for divorce and maintenance and had claimed Rs.40,000/- per month from respondent no.1. The learned Judge has also criticised the conduct of PW-3 who is also practising Advocate saying that he had no attempt to help her daughter. Taking an over all view of the matter, in my view, not a fit case to interfere. Hence leave is refused and consequently appeal stands dismissed.

(R.S.Mohite,J)